

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1, 20, 30 and 40 are currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-48 are now pending in this application.

In the March 6, 2008 Advisory Action, the Examiner provided a detailed explanation regarding his previous rejection of claims 1-48 under 35 U.S.C. §102(b) as being anticipated by U.S. Publication No. 2002/0041291 (Vale). In view of the Examiner's comments, and in further view of the June 4, 2008 Notice of Panel Decision from Pre-Appeal Review, Applicant has chosen to submit a Request for Continued Examination herewith, along with new amendments to independent claims 1, 20, 30 and 40. These amendments are discussed below, and Applicant respectfully requests that the Examiner reconsider the outstanding rejections in view of these amendments and the remarks that follow.

In order to clarify the patentable aspects of independent claim 1 and to more clearly distinguish these claims over the prior art, Applicant has amended claim 1 to describe the automatic highlighting of a next file in response to a file list being opened by a user. In particular, claim 1 has been amended to describe, if it is determined that there is a next file listed relative to the previously selected file in the file list, the file list is automatically displayed with the next file highlighted. By "automatic," one skilled in the art would understand that the displaying of the file list with the next file highlighted occurs without the

user having to perform any activity after the opening of the file list. Similar features have also been incorporated into independent claims 20, 30 and 40.¹

The feature of automatically highlighting the next file of the file list, without additional user interaction, after the file list is opened, is described in detail throughout the present application. For example, paragraph [0030] of the original application states:

If it is not first time the browse command is initiated, the device 20 determines which folder was selected in response to the last browse command and displays that folder in the folder selection input box 36 (step 50). The device then determines the file selected from the displayed folder in response to the last browse command and determines if there is another file listed after the last selected file in the file list 32 (step 52). If there is a file listed after the last selected file, the device 20 highlights this next file 40 in the file list 32 and waits for the user to select this or another file.

In other words, once the browse command is initiated, and if there is a next file after the previously selected file, then the device itself, and not the user, highlights the next file. Similarly, paragraphs [0015] and [0035] notes how the browser *automatically* highlights the next file after a previously identified or added item. In the case of paragraph [0035], the text provides a real-world implementation of the system described in the independent claims:

If the user was adding all the files from one folder to file selector boxes on a form, every time the user opens an empty file selector box (after the first file is added), the focus is automatically on the right file. If the user was adding not all but still multiple files from a same folder to file selector boxes, it is very likely that (s)he already browsed through files before the previously added file on a folder. In this case, the focus will automatically be placed on the next file and browsing can proceed logically from that point. If the user was randomly browsing through folders to find a couple of files to add, the focus would automatically be on the point from where it is very logical to continue browsing to find the next file to be added. If the user does not want to add any other file(s) from a same folder, this causes very little extra effort for the user.
(Emphasis added)

¹ Applicant has also made a number of other minor amendments for consistency purposes and to clarify certain aspects of the claims.

In each of the above locations, the present application describes the highlighting of the next file after the previously selected file as being automatic, meaning that this action occurs without user interaction once the file list has been opened.

In previously rejecting the independent claims, the Examiner relied upon an expansive interpretation of the term “accessing of the file list,” where virtually any action involving the file list (such as scrolling through the file list or “checking off” a file) constituted an “accessing” of the list. Although Applicant disagrees that such a broad interpretation, in order to advance the prosecution of the present application, Applicant has replaced the term “accessing” with “opening.” In other words, the independent claims are directed to a situation where a user performs an action such as using the “open” command in a typical operating system for a particular folder or similar actions which cause a file list to become visible to the user.

In contrast, Vale neither teaches nor suggests a system where the determining if there was a file previously selected by the user from the file list; the determining if there is a next file listed relative to the previously selected file in the file list; and the automatic displaying of the file list with the next file highlighted occur in response to the opening of a file list. Instead, Vale is directed to a system and method for browsing content using a particular navigation mode, with the navigation mode explicitly involving the use of a direction key by the user. As discussed previously by Applicant, it is only through the use of the direction key that subsequent items or files are selected and/or highlighted. This is discussed in paragraph [0010] of Vale, for example:

In navigation mode, pressing a direction key selects the next interactive element in the direction indicated by the direction key (e.g., up, down, left, right). When moving horizontally, an interactive element is in the direction indicated by the direction control if the interactive element is at substantially the same vertical level. (emphasis added).

This feature is more specifically described at paragraphs [0040] of Vale, where it is explicitly noted that the operation of the navigation mode involves the receipt of a direction input 320. Continuing to paragraph [0041], it is noted that the selection of the next interactive element is dependent upon the direction of the direction input 320, e.g., how the

four-direction and action key 210 is manipulated. In other words, Vale clearly describes a system where any determining and selection of a “next” item in a list occurs in response to a scrolling action through a file list. It is not the opening of the list that causes the highlighting to occur. In fact, Vale teaches that the way for the “next” file to be highlighted is for the user to actuate the direction and action key. This is clearly depicted in Figure 9(c) of Vale, where the highlighting of the next file (944c) occurs after a user-initiated scrolling action (934c and 936c). In contrast, the highlighting is *automatic* after the opening of the file list in independent claims 1, 20, 30 and 40, meaning that no such user interaction is required once the file list is opened. Such a feature is absent from Vale—either in the portions cited by the Examiner previously or elsewhere in the document.

Because Vale fails to teach or disclose a method where the highlighting of a next file occurs automatically and in response to a file list being opened, Applicant submits Vale does not teach or suggest all of the features of independent claims 1, 20, 30 and 40. Therefore, Applicant submits that the Examiner’s rejection of these claims under 35 U.S.C. §102(b) should be withdrawn. Furthermore, because dependent claims 2-19, 21-29, 31-39 and 41-48 are dependent upon one of independent claims 1, 20, 30 and 40, Applicant submits that these claims are allowable over the prior art of record for at least those reasons discussed above.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under

37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date: August 4, 2008

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